1947. **File No.** B. Rent Restriction Legal Deptt. 47

K P. 19F

BRANCH

Subject:—

L.A Bill no. XXVI of 1947

A Bill to amend the Bombay Rent Restriction Act, 1939

Bom. Act IX of 1947

File No. B. Rent Restriction/47

Gen. 194 e.

12-12

C O N T E N T S.

Legal Department File No. B Rent Restriction/47

Serial No.	R.I./O.No.	Subject	Pages
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SMR 26-5-56
4 Copies.

Legal Department.

Submitted.

Government has published the Bombay Rent Control Bill on 12th February 1947. The Bill is intended to replace the Bombay Rent Restriction Act, 1939, and some parts of the Bombay Rents, Hotel Rates and Lodging House Rates(Control) Act, 1944, by comprehensive legislation. The life of the Bombay Rent Restriction Act, 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem will expire on 31st March 1947. As the Bombay Rent Control Bill is somewhat controversial and only few days are available on account of the Budget Programme it is not possible to enact the Bill in time. H.M.(L.) has therefore directed to put up a draft Bill extending the life of the Act of 1939 for a further period of one year. Draft Bill and Statement of Objects and Reasons are put up for approval.

If approved the Statement of Objects and Reasons may be signed by H.M.(L.). The Bill will be published in the B.G.G. on Monday the 3rd instant, as directed by H.M.

Id./..... 1-3-47

A.A.L.R. Id./.... 1/3

H.L.A. Id./..... 1/3

Secy. F.D.

The principle of the Bill has been accepted by 9 both in the new Bill which has been published and in the existing Bill, the life of which it is prepared to continue for another year.

C.P.M. may please indicate if the Bill should be published before circulation to cabinet. If approved "A" will be done and the case circulated to all H.M's and H.R(G.S.) after publication.

Id./ 1-3

Id./..... 1/3 H.M.L.S &

Id./.....	H.M. La
1/3	H.P.M.

Yes

Id./ 1-3

Legal Department.

The Bill to amend the Bombay Rent Restriction Act, 1939, has been published in the Bombay Government Gazette, dated the 3rd March 1947. The General Department may now arrange to give the notice to the Secretary to the Bombay Legislative Assembly in the amended form.

2 The Bill will require the previous sanction of the Governor under section 299(3) of the Government of India Act, 1935. The requisite draft in that behalf is sent herewith.

3 The General Department may take action re. circulation of the Bill to the Cabinet as per orders on Secretary General Department's note dated 1st March 1947 at page 8. That Department is also requested to obtain orders of Government in due course regarding the application of the proposed Act to the partially excluded areas.

The Legal Department papers may be returned to this Department as soon as possible.

Sd./.....

For Secretary to Government.

U.R. to G.D.No. 2158, dated the 5th March 1947.

SMR 26-5-56
4 Copies.

Government House.

Bombay, 8th March 1947.

I accord sanction under section 299(3) of the Government of India Act, 1935, to the introduction and moving in the Bombay Legislatur of the Bombay Rent Restriction (Amendment)Bill, 1947.

Sd./.....

GOVERNOR OF BOMBAY.

SMR 26-5-56
4 Copies.

VERY URGENT.

No. 2744-A
Legal Department,
Bombay Castle, 20th March 1947.

From

D.V.Vyas, Esquire, I.C.S.
Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Sir,

I am directed to forward herewith in advance a copy of a Bill to amend the Bombay Rent Restriction Act, 1939 (L.A.Bill No. XXVI of 1947), as passed by the Bombay Legislative Assembly which requires to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

2 The subject-matter of the Bill falls under entries Nos. 2 and 21 in List II and entries Nos. 4, 8, 10 and 13 in List III in the Seventh Schedule to the Government of India Act 1935. As sections 5, 10 and 11 of the Bombay Rent Restriction Act, 1939 are repugnant to the provisions of the existing Indian Law contained in sections 108(1) and 108(q) of the Transfer of Property Act, 1882 and as section 13 is repugnant to the provisions of the existing existing Indian law contained in Chapter VIII of the Presidency Small Cause Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939 for a further period of one year the Bill will have to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3 It is necessary that the Bill in question should after receiving the assent of the Governor General be published in the Official Gazette as an Act on or before the 31st March 1947. The Bill has been passed by the Bombay Legislative Assembly on the 10th March 1947 and will be considered by the Bombay Legislative Council on the 22nd instant and is not likely to suffer any amendements in the Council.

4 I am to request you, if there be no objection, to forward in advance the copy of the Bill as passed by the Bombay Legislative Assembly to the Secretary to the Governor General (Public) in order to facilitate the work of obtain ng the assent of the Governor General in good time. The authentic copy of the Bill will be forwarded to you in continuation as soon as the Bill is passed by the Council.

I have the honour to be,

Sir,

Your most obedient servant,

Id&/.....
Secretary to Government.

Copy to -

The Secretary to the Government of Bombay,
General Department.

BRR 26-5-36
4 Copies.

No. 2809
Legal Department,
Bombay Castle, 22nd March 1947.

From

D.V.Vyas, Esquire, I.C.S.,
Secretary to the Government of Bombay,

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to amend the Bombay Rent Restriction Act, 1939, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 10th and 22nd March 1947, respectively.

2 None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3 The Subject-matter of the Bill falls under entries Nos.2 and 21 in List II and entries Nos. 4,8,10 and 15 in List III in the Seventh Schedule to the Government of India Act, 1935.

4 As sections 5,10 and 11 of the Bombay Rent Restriction Act,1939, are repugnant to the provisions of the existing Indian law contained in sections 108(1) and 108(q) of the Transfer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Cause Courts Act, 1882 and as the Bill is intended to extend the life of the Bombay Rent Restriction Act,1939 for a further period of one year the Bill will have to be reserved for the consideration of the Governor General with

reference to section 107(2) of the Government of India Act, 1935.

5 I am also to forward herewith six copies of each of the items Nos. 1 to 3 and two copies of item No. 4 of the paper

reference to section 107(2) of the Government of India Act, 1935.

6 I am also to forward herewith six co ies of eac of the items Nos. 1 to 3 and two copies of item No, 4 of the papers noted in the margin. The Bill was not referred to a Select Committee.

1 Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2 Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3 Bill as read for the third time and passed by the Bombay Legislative Council.
4 Extracts from the proceedings of the Bombay Legislative Assembly dated the 10th March 1947 and of the Bombay Legislative Council dated the 22nd March 1947.

6 It is requested that His Excellency the Governor General may be moved to give his assent to the Bill before the 31st March 1947 and to convey the assent by telegram as the new Act must come into force on that date and also to communicate the date on which the assent is given.

I have the honour to be,

Sir,

Your most obedient servant,

Id./..... 22-3

for Secretary to the Government of Bombay.

Through the Secretary to the Government of Bombay,
General Department.

gMR 28-5-56
4 Copies.

No. G.S. 956
Office of the Governor's Secretary,
Government House,
Bombay, 26th March 1947.

From

D.Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislatvie Assembly Council.

Subject:- The Bombay Rent Restriction (Amendment) Bill, 1947.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 10th and 22nd March 1947, respectively, I am directed to state, for the information of the Honourable the Speaker/President that as sections 5, 10 and 11 of the Bombay Rent Restriction Act 1939, are repugnant to the provisions of the existing Indian law contained in sections 108(1) and 108( ) of the Transfer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Cause Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased, under section 75 of the Act, to declare that he reserves the Bill for the consideration of the Governor-General.

Your Obedient servant,

Sd./ D.Symington.

Secretary to the Governor of Bombay.

No. G.S. 956.
Office of the Governor's Secretary,
Government House,
Bombay, 26th March 1947.

Copy forwarded with compliments to:-

The Secretary to Government, Legal Department, with reference to his letter No. 2809 dated 22nd March 1947. etc.

By order of the Governor of Bombay,

Sd./.....
Secretary to the Governor of Bombay.

-SHRSS-8-56
4 Copies.

No. C.S. 1170
Office of the Governor's Secretary,
Government House,
Bombay. 9th April 1947.

From

D.Symington, Esquire, C.I.E.,I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Rent Restriction (Amedment) Bill, 1947.

Sir,

With reference to the correspondence resting with my letter No. C.S.1051 of the 30th of March, on the above subject, I am directed to forward herewith the authentic copy of the Bombay Rent Restriction(Amedment) Bill, 1947, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd./.....

Secretary to the Governor of Bombay.

SLT 28-5-56
4 Copies.

Bills.

A Bill to amend the Bombay Rent Restriction Act, 1939.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2107
Bombay Castle, 3rd March 1947.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay for publication in the Bombay Government Gazette, dated the 3rd March 1947, as Bill No.XXVI of 1947.

2 The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagri scripts) and the translations should be published in the Bombay Government Gazette on the 4th March 1947.

The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd./.D.V.VYAS,
Secretary to Government .

To

The Manager, Government Central Press, Bombay (with the Bills and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 75 copies for the use of the Legal Department), etc.

SMN 28-5-56
4 Copies.

(To be translated into Marathi, Gujarati, Kannada and Hindustani(in Urdu and Devnagri scripts and the translations to be published in the Bombay Government Gazette. The dates of publication to be reported)

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules:-

L.A. Bill No. XXVI of 1947

A Bill to amend the Bombay Rent Restriction Act 1939.

Bom.XVI of 1939

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939 for the purpose hereinafter appearing; It is hereby enacted as follows:-

Short title and commencement.

1(1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1947.

(2) It shall come into force on the 31st day of March 1947.

Amendment of section 1 of Bom. XVI of 1939.

2 In sub-section(3) of section1 of the Bombay Rent Restriction Act, 1939, for the figures "1947" the figures "1948" shall be substituted.

SMR 28-5-56
4 Copies.

Statement of Objects and Reasons.

The extended term of the Bombay Rent Restriction Act, 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem expires on 31st March 1947. Government has already published on 12th February 1947 the Bombay Rent Control Bill to replace, inter alia this Act by a comprehensive piece of legislation. But as it will take some time to enact the Bill, it is necessary that in the meanwhile the protection given to the tenants should be continued. The Bill is therefore intended to extend the term of the Act for a further period of one year from 1st April 1947. When the comprehensive Rent Bill is enacted the Rent Act of 1939 will be ~~replaced~~ repealed.

Dated, 3rd March 1947. Sd./ B.N.Desai.

By order of the Governor of Bombay,

Sd./ D.V.VYAS,
Secretary to Government.

Bombay, dated 3rd March 1947.

SMR 28-6-56
4 Copies.

Acts.
Publication of the Bombay Rent Restriction(Amendment)Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 3133.
Bombay Castle, 31st March 1947.

Letter to the Secretary to the Governor, No, 2809, dated the 22nd March 1947.

Letter from the Secretary to the Governor No. G.S.1951, dated the 30th March 1947:

" With reference to your letter No. 2809, dated the 22nd March 1947, forwarding for the assent of His Excellency the Governor-General, the Bombay Rent Restriction (Amendment)Bill, 1947, I am directed to inform you that intimation has been received from the Secretary to the Governor-General(Public) that His Excellency the Governor-General has assented to the above Bill on the 29th March 1947"

RESOLUTION :- The law should be published as Bombay Act No. I. of 1947 in the Bombay Government Gazette, dated the 31st March 1947.

2 The Act should be translated into Marathi, Gujarati, Kanarese and Hindustani(in Urdu and Devnagri scrips. and the translations should be published in the Bombay Government Gazette.

A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd./D.V.VYAS,
Secretary to Government.

To

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department), etc.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXVI OF 1947.

A Bill to amend the Bombay Rent Restriction Act, 1939.

Bom. XVI of 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1947.

(*2*) It shall come into force on the 31st day of March 1947.

Bom. XVI of 1939.

Amendment of section 1 of Bom. XVI of 1939.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1947" the figures "1948" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The extended term of the Bombay Rent Restriction Act, 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem, expires on 31st March 1947. Government has already published on 12th February 1947 the Bombay Rent Control Bill to replace, *inter alia* this Act by a comprehensive piece of legislation. But as it will take some time to enact the Bill, it is necessary that in the meanwhile the protection

given to the tenants should be continued. The Bill is therefore intended to extend the term of the Act for a further period of one year from 1st April 1947. When the comprehensive Rent Bill is enacted the Rent Act of 1939 will be repealed.

Dated 3rd March 1947.

(Signed) D. N. DESAI.

By order of the Governor of Bombay,

D. V. VYAS,
Secretary to Government.

Bombay, dated 3rd March 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The following Act of the Bombay Legislature having been assented to by the Governor-General on the 29th March 1947 is hereby published for general information.

D. V. VYAS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IX OF 1947.

(First published, after having received the assent of the Governor-General, in the "Bombay Government Gazette" on the 31st March 1947.)

An Act to amend the Bombay Rent Restriction Act, 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Bom. XVI of 1939.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1947. Short title and commencement.

(*2*) It shall come into force on the 31st day of March 1947.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1947" the figures "1948" shall be substituted. Amendment of section 1 of Bom. XVI of 1939.

Bom. XVI of 1939.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.